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PATENT
Customer No. 22,852
Attorney Docket No. 05638.0016

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
Theodor BAYERKÖHLER <i>et al.</i>)	Group Art Unit: 1615
)	
Application No.: 10/070,662)	Examiner: Charesse EVANS
)	
International Filing Date: September 9, 2000)	
§ 371 Date: July 9, 2002)	
)	
For: DIRECTLY COMPRESSIBLE RAW)	
MATERIAL FOR COMPRESSED)	
PRODUCTS)	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

STATUS INQUIRY

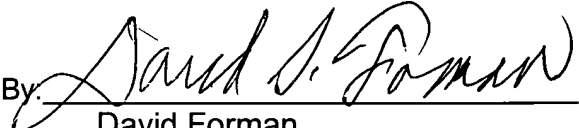
According to our records, the above-identified application was filed on July 9, 2002. A non-final Office action was mailed on December 16, 2003. As shown by the attached postcard bearing an OIPE date stamp, the Response to the Office action was filed on March 16, 2004. To date Applicants have not received an Office Action from the Patent Office addressing their Response of March 16, 2004. A copy of the Response to Office Action originally filed March 16, 2004, is included in this Status Inquiry.

In view of these circumstances, the undersigned attorney respectfully requests that the Office advise him of the status of this application as soon as possible in order to determine whether further action by the Applicants is required at this time.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: September 22, 2004

By: 
David Forman
Reg. No. 33,694
(202) 408-4068

Enclosure: Copies of stamped postcard receipt and the originally filed Response to Office Action



DSF/MYC

PLEASE STAMP TO ACKNOWLEDGE RECEIPT OF THE FOLLOWING:

In Re Application of: Theodor BAYERKÖHLER et al.

Application No.: 10/070,662

Group Art Unit: 1615

Filed: July 9, 2002

Examiner: C.L. Evans

For: DIRECTLY COMPRESSIBLE RAW MATERIAL FOR COMPRESSED PRODUCTS

-
1. Response to Office Action (8 pages) Attachment (3 pages)

Dated March 16, 2004

Docket No.: 05638.0016-00000

(Due Date: March 16, 2004)

David Forman/Mike O'Shaughnessy/Sylvia Helms - Mail Drop 1030



3/17/04



PATENT
Customer No. 22,852
Attorney Docket No. 05638.0016

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
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Theodor BAYERKÖHLER et al.)	Group Art Unit: 1615
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Filed: July 9, 2002)	
)	
For: DIRECTLY COMPRESSIBLE)	
RAW MATERIAL FOR)	
COMPRESSED PRODUCTS)	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE TO OFFICE ACTION

In reply to the Office Action mailed December 16, 2003, please amend the above-identified application as follows:

Amendments to the Claims are reflected in the listing of claims in this paper.

Remarks/Arguments follow the amendment sections of this paper.

Attachments to this amendment include an excerpt from a German/English dictionary.

Applicants do not believe that any claim fees are due at this time. If Applicants are in error, please charge any applicable fees to our deposit account 06-0916.

AMENDMENTS TO THE CLAIMS:

This listing of claims will replace all prior versions and listings of claims in the application:

- 1 (Currently Amended). ~~A Method~~ method of producing an agglomerated, free-flowing product selected from the group consisting of isomaltulose, isomalt and ~~and/or~~ an isomalt variant, wherein a solution or suspension containing at least one product selected from the group consisting of isomaltulose, isomalt, ~~or~~ and an isomalt variant is sprayed with a supply of dry air into a powder selected from the group consisting of isomaltulose, isomalt, and ~~and/or~~ an isomalt variant, and the resulting agglomerated product is subjected to a secondary drying and cooling, and an agglomerated free-flowing product is obtained.
- 2 (Currently Amended). ~~The Method~~ method according to Claim 1, wherein secondary crystallization takes place following cooling of the secondary dried product.
- 3 (Currently Amended). ~~The Method~~ method according to Claim 1 ~~or~~ 2, wherein at least a portion of the resulting agglomerated free-flowing product is ground following the cooling or secondary crystallization.
- 4 (Currently Amended). ~~The Method~~ method according to Claim 3, wherein a portion of the ground powder is introduced back into the process ~~according to Claim 1, 2 or 3~~ in the form of an educt.

- 5 (Currently Amended). ~~The Method~~ method according to ~~one of the preceding claims~~ Claim 1, wherein the solution or suspension ~~containing the isomaltulose, isomalt and/or isomalt variants~~ has a dry solids content of 30 wt% to 70 wt%.
- 6 (Currently Amended). ~~The Method~~ method according to ~~one of the preceding claims~~ Claim 1, wherein the solution or suspension ~~containing the isomaltulose, isomalt and/or isomalt variants~~ has a temperature of 50° Celsius to 90° Celsius.
- 7 (Currently Amended). ~~The Method~~ method according to ~~one of the preceding claims~~ Claim 1, wherein the solution or suspension ~~containing the isomaltulose, isomalt and/or isomalt variants~~ is sprayed into the powder at a spray pressure of 100 bar to 200 bar.
- 8 (Currently Amended). ~~The Method~~ method according to ~~one of the preceding claims~~ Claim 1, wherein the powder has a particle size of 50 μm to 400 μm .
- 9 (Currently Amended). ~~The Method~~ method according to ~~one of the preceding claims~~ Claim 1, wherein the quantity ratio of powder to educt solution or suspension amounts to 1:1 to 3.5:1.

10 (Currently Amended). ~~The Method~~ method according to ~~one of the preceding~~
~~claims~~ Claim 1, wherein the drying air has a temperature of 120° Celsius to 180°
Celsius.

11 (Currently Amended). ~~The Method~~ method according to ~~one of the preceding~~
~~claims~~ Claim 1, wherein the secondary drying and cooling take place with a supply of air
at a temperature of 20° Celsius to 80° Celsius.

12 (Currently Amended). ~~The Method~~ method according to ~~one of the preceding~~
~~claims~~ Claim 1, wherein the secondary drying and cooling take place over a period of 10
to 30 minutes.

13 (Currently Amended). ~~The Method~~ method according to ~~one of the preceding~~
~~claims~~ Claim 1, wherein the secondary crystallization takes place over a period of one
to four hours.

14 (Currently Amended). ~~The Method~~ method according to ~~one of the preceding~~
~~claims~~ Claim 1, wherein the solution or suspension containing the isomaltulose, isomalt
or an isomalt variant together with additives, auxiliary substances, active ingredients,
parting compounds, lubricants, flavorings, sweeteners, food-compatible acids,
disintegrants or coloring agents is spray dried.

15 (Currently Amended). An Agglomerate agglomerate producible according to ~~one of~~ the ~~methods~~ method of any one of the preceding claims.

16 (Currently Amended). The Method method of producing a compressed product, wherein a method is carried out according to ~~one of Claims 1 to 14~~ Claim 1, and the resulting agglomerate is pressed to form a compressed product.

17 (Currently Amended). The Method method according to Claim 16, wherein additives, auxiliary substances, active ingredients, parting compounds, lubricants, flavorings, sweeteners, food-compatible acids, disintegrants or coloring agents are added to the agglomerate before pressing.

18 (Currently Amended). A Compressed compressed product producible according to one of the ~~methods~~ method of Claims Claim 16 or 17.

REMARKS

I. Status of the Claims

Claims 1-18 are pending in this application. Claims 1, 5-7, and 14 were rejected and claims 2-18 were objected to in the Office Action dated December 16, 2003. Claims 1 and 5-7 have been amended to correct indefiniteness rejections for use of the phrase "and/or." Further, Applicants have amended claims 4-18 to correct the improper multiple dependent format.

II. Rejection of Claims 1 and 5-7 under 35 U.S.C. § 112, ¶ 2

Claims 1 and 5-7 are rejected under 35 U.S.C. § 112, ¶ 2 as being indefinite. Particularly, the Office states that Applicant's use of the phrase "and/or" renders the claims indefinite because "it is unclear whether the limitation(s) following the phrase are part of the claimed invention." In response, Applicants have amended Claims 1 and 5-7 to remove the phrase "and/or." Accordingly, Applicants respectfully request withdrawal of this rejection.

III. Rejection of Claim 14 under 35 U.S.C. § 112, ¶ 2

Claim 14 is rejected under 35 U.S.C. § 112, ¶ 2 as being indefinite. The Office states that the term/phrase "parting compounds" is unclear. Applicants traverse this rejection.

The term/phrase "parting compounds" is a direct translation of the German word "Trennmittel." Applicants have attached a copy of an excerpt from an English/German dictionary for the Examiner's convenience. This term/phrase has recognized meaning

in the art, and synonymous translations include "mold release" or "release agent." The term/phrase "parting compound" has been used by Applicants within the specification at page 8. Accordingly, Applicants respectfully request withdrawal of this rejection.

IV. Objection to Claims 2 and 3 as Dependent Upon Rejected Base Claim

The Examiner has objected to Claims 2 and 3 as being dependent upon a rejected base claim. Rejected Claim 1, upon which Claims 2 and 3 were dependent, has been amended. Applicants respectfully request withdrawal of the objection.

V. Objection to Claims 4-18 under 37 CFR 1.75(c)

The Examiner has objected to Claim 4 as being in improper form because "a multiple dependent claim should refer to other claims in the alternative only and cannot depend from any other multiple dependent claims." In response, Applicants have amended Claim 4 to correct the improper multiple dependency. Withdrawal of the objection is respectfully requested.

The Examiner has further objected to Claims 4-18 under 37 CFR 1.75(c) as being in improper multiple-dependent form. In response, Applicants have amended Claims 4-18. Applicants respectfully request withdrawal of the objection.

VI. Conclusion

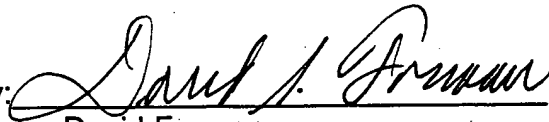
In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: March 16, 2004

By: 
David Forman
Reg. No. 33,694

Attachments: Excerpt from German/English dictionary

DICTIONARY OF CHEMISTRY AND CHEMICAL ENGINEERING

by
Louis De Vries
and
Helga Kolb
with the collaboration of
Joachim Thuss

Volume 1
German / English

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1970

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Transphosphatase *f* transphosphatase
 Transphosphorylase *f* transphosphorylase
 Transphosphorylierung *f* transphosphorylation
 Transport *m* transport[ation], shipment; transfer, transmission
 Transportband *n* conveyer [belt], carrier roller
 Transporteur *m* shipper, carrier, (Geom) protractor
 Transportfilz *m* (Papier) conveyor felt
 Transportgefäß *n* transport vessel
 transportieren *to* transport
 Transportkarren *m* transfer car
 Transportkasten *m* transport case, portable box, transport box
 Transportkontrolle *f* transfer check
 Transportmittel *n* means of transportation
 Trans-Stellung *f* (Stereochem) trans position
 Transthiolierung *f* transthiolation
 Transuran *n* transuranic element, transuranium element
 Transuranelemente *pl* transuranium elements
 transversal transversal, transverse
 Transversale *f* transversal
 Transversalitätsbedingung *f* transversality condition
 Transversalschwingung *f* transverse oscillation
 Transversalwelle *f* transverse wave
 transzendent transcendental
 Trapez *n* trapezoid
 trapezförmig trapeziform, trapezoidal
 Trapezgewinde *n* acme thread, tapered thread
 Trapezoeder *n* (Krist) trapezohedron
 Trapezregel *f* trapezoidal rule
 Trapezring *m* trapezoidal washer
 Trapporphyrt *m* (Min) porphyritic trap
 Trappsandstein *m* (Min) trap sandstone
 Trapptuff *m* trap tuff
 Traß *m* trass, volcanic tuff
 Traßbeton *m* trass concrete
 Traßpapier *n* grey wrapping paper
 Traubenachar *m* (Min) botryoid agate
 traubenartig grapelike
 Traubenblei *n* (Min) mimetite
 Traubenessig *m* grape vinegar
 Traubengärung *f* fermentation of grapes
 Traubensäure *f* (obs. für Weinsäure) tartaric acid, racemische \sim racemic acid
 Traubensaft *m* grape juice
 Traubenstein *m* (Min) botryolite
 Traubenzucker *m* d-glucose, grape sugar
 Traufe *f* down spout
 Traumaticin *n* traumaticin[e]
 Traumatinsäure *f* traumatic acid
 Traversellit *m* (Min) traversellite
 Travertin *m* (Min) travertine
 Treberbranntwein *m* marc brandy
 treffen *to* hit, to strike, (begegnen) to meet
 Treffer *m* hit
 Treffertheorie *f* hit theory
 Trefferwahrscheinlichkeit *f* probability of hits
 Treffplatte *f* target
 Treffpunkt *m* point of impact, point of incidence
 Trehalase *f* (Biochem) trehalase

Trehalose *f* trehalose
 Treibachse *f* driving axle
 Treibarbeit *f* (Metall) cupellation
 Treibdampfmaschine *f* booster type diffusion pump
 Treibdüse *f* booster nozzle
 Treibeisen *n* white pig iron
 treiben *to* drive, to push, (gären) to ferment, (hämmern) to emboss
 Treibgas *n* power gas
 Treibhaus *n* green-house, hot-house
 Treibmittel *n* (Pumpe) pump fluid, (Schaumstoff) aerating agent, blowing agent, expanding agent, foaming agent
 Treibmittelfüllung *f* (Pumpe) pump fluid filling
 Treibmittelrücklauf *m* (Pumpe) pump fluid return pipe
 Treiböl *n* (Motor) motor fuel oil
 Treibofen *m* cupell[ing] furnace, refining furnace
 Treibprozeß *m* (Metall) cupellation, refining
 Treibriemen *m* drive belt, driving belt, transmission belting
 Treibschwefel *m* native sulfur
 Treibstoff *m* fuel, power fuel, propellant
 Treibstoffpumpe *f* fuel pump
 Treibstoffraum *m* fuel cell
 Treibstoffsynthese *f* motor fuel synthesis
 Treibstoffzusatz *m* additive for fuels
 Treibstrahl *m* driving jet, power jet
 Treibverfahren *n* (Metall) cupellation, refining process
 Treibzapfen *m* crank pin
 Treitan *n* threitan
 Tremolit *m* (Min) tremolite
 Tremuloidin *n* tremuloidin
 Trennanlage *f*, chemische \sim chemical separation plant
 trennbar separable
 Trennblech *n* baffle
 Trenneinsatz *m* partition
 trennen *to* separate, to sever, (auflösen) to resolve, (Elektr) to disconnect
 Trennen *n* separating, dividing, (Elektr) disconnecting
 Trenner *m* separator
 Trennfaktor *m* separation factor, theoretischer \sim (Atom) ideal separation factor
 Trennfestigkeit *f* resistance to separation
 Trennfuge *f* partition line, parting compound line, der Blasform blow mold parting line, der Form mold parting line
 Trennisolator *m* disconnecting insulator
 Trennlinie *f* separating line
 Trennmittel *n* mold release, parting compound, release agent
 Trennmuffe *f* disconnecting box
 Trennrohr *n* (Atom) separator tube
 Trennsäule *f* separating column, separation column
 Trennschärfe *f* discrimination, selectivity, separating capacity, separation sharpness
 Trennschleuder *f* centrifuge separator
 Trennschnitt *m* (Schweiß) separating cut
 Trennstellung *f* spacing position
 Trennung *f* disintegration, parting, severing, (Chem.) separation, (durch Filtrieren) filtering, (Teilung)